

BITA RAHEBI (CA SBN 209351)  
brahebi@mofo.com  
ALEX S. YAP (CA SBN 241400)  
ayap@mofo.com  
ROSE S. LEE (CA SBN 294658)  
roselee@mofo.com  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard, Suite 6000  
Los Angeles, California 90017-3543  
Telephone: (213) 892-5200  
Facsimile: (213) 892-5454

[Additional counsel on signature page]

Attorneys for Counter-Defendants,  
MAXLINEAR, INC. AND MAXLINEAR  
COMMUNICATIONS LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

ENTROPIC COMMUNICATIONS,  
LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC.;  
COXCOM, LLC; AND COX  
COMMUNICATIONS  
CALIFORNIA, LLC,

Defendants,

COX COMMUNICATIONS, INC.;  
COXCOM, LLC; AND COX  
COMMUNICATIONS  
CALIFORNIA, LLC,

Counter-Claimants,

v.

ENTROPIC COMMUNICATIONS,  
LLC; MAXLINEAR, INC.; AND  
MAXLINEAR  
COMMUNICATIONS LLC,

Counter-Defendants.

Case No. 2:23-cv-01043-JWH-KES  
(Lead Case)

Case No. 2:23-cv-01047-JWH-KES  
(Related Case)

**COUNTER-DEFENDANTS  
MAXLINEAR, INC. AND  
MAXLINEAR COMMUNICATIONS  
LLC'S APPLICATION FOR LEAVE  
TO FILE UNDER SEAL MOTION  
TO DISMISS AMENDED  
COUNTERCLAIMS BY COX  
COMMUNICATIONS, INC.,  
COXCOM, LLC, AND COX  
COMMUNICATIONS  
CALIFORNIA, LLC**

Judge: Hon. John W. Holcomb

**Hearing:**

Date: March 29, 2024

Time: 9:00 a.m.

Place: Courtroom 9D, Santa Ana

Pursuant to Local Rule 79-5.2.2(a) governing documents to be filed under seal, Counter-Defendants MaxLinear, Inc. and MaxLinear Communications LLC (collectively, “MaxLinear”) hereby submit their Application for Leave to File Under Seal Motion to Dismiss Amended Counterclaims by Cox Communications, Inc., CoxCom, LLC, and Cox Communications California, LLC (collectively, “Cox”).

MaxLinear seeks leave to file under seal highlighted portions of MaxLinear’s Motion to Dismiss that quote from or reference (1) the membership agreement between Cox Communications, Inc. and the Multimedia over Coax Alliance, which Cox designated “Confidential,” attached as Exhibit A to MaxLinear’s concurrently filed Request for Judicial Notice, and (2) a Patent Purchase Agreement executed by MaxLinear and Plaintiff Entropic Communications, LLC that has been designated “Highly Confidential – Attorneys’ Eyes Only,” attached as Exhibit B to MaxLinear’s concurrently filed Request for Judicial Notice.

Document to be sealed	Portions to be sealed (page:line(s))
Portions of MaxLinear’s Motion to Dismiss that quote from or reference Exhibit A or Exhibit B to the concurrently filed MaxLinear’s Request for Judicial Notice in Support of Notice of Motion and Motion to Dismiss Counterclaims by Cox Communications, Inc., CoxCom, LLC, and Cox Communications California, LLC	16:8-14; 25:15-21; 26:10-14; 26:15-16.

1 Pursuant to Local Rule 79-5.2.2(a) and (b), MaxLinear applies to file under  
2 seal the document listed above. Under Rule 79-5.2.2(a), a party may seek leave to  
3 file a document under seal so long as the Application describes the nature of the  
4 information that should be closed to public inspection and is accompanied by: (1) a  
5 declaration establishing good cause why the strong presumption of public access in  
6 civil cases should be overcome and informing the Court whether anyone opposes  
7 the Application; (2) a proposed order; (3) a redacted version of the relevant  
8 documents; and (4) an unredacted version of the relevant documents. MaxLinear  
9 has complied with these requirements. The information that MaxLinear seeks to  
10 seal under Rule 79-5.2.2(a) is contained within (1) a confidential agreement  
11 between Cox Communications, Inc. and a third-party entity; and (2) a confidential  
12 agreement between MaxLinear, Inc. and Entropic Communications, LLC. The  
13 public does not have an interest in accessing this confidential information.  
14 Additionally, MaxLinear's request is narrowly tailored to only prevent the public  
15 from viewing confidential information. Finally, Entropic and Cox do not oppose  
16 MaxLinear's under seal filing.

17 Therefore, compelling reasons exist to seal the highlighted portions of the  
18 above documents. *See Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*, 2020  
19 WL 1911502, at \*5 (S.D. Cal. Apr. 20, 2020) ("The Court agrees that compelling  
20 reasons exist to seal references . . . to Defendants' proprietary business records that  
21 detail sensitive financial terms, proprietary business strategies, and confidential  
22 negotiations and agreements with third parties."); *In re Qualcomm Litig.*, 2019 WL  
23 1557656, at \*3 (S.D. Cal. Apr. 10, 2019) (granting motions to seal "confidential  
24 business information of the parties, including trade secrets, proprietary business  
25 records, discussions of internal strategy, company dealings, and materials  
26 designated as 'Highly Confidential'").

1 MaxLinear respectfully requests that this Court order the unredacted  
2 document to be filed under seal. Redacted and unredacted versions of MaxLinear's  
3 Motion to Dismiss Cox's Amended Counterclaims are filed herewith.

4 This Application is accompanied by a Declaration of Rose S. Lee and a  
5 Proposed Order.

6  
7 Dated: February 6, 2024

MORRISON & FOERSTER LLP

8  
9 By: /s/ Rose S. Lee  
10 Rose S. Lee

11 BITA RAHEBI (CA SBN 209351)  
12 brahebi@mofo.com

13 ALEX S. YAP (CA SBN 241400)  
14 ayap@mofo.com

15 ROSE S. LEE (CA SBN 294658)  
16 roselee@mofo.com

17 MORRISON & FOERSTER LLP  
18 707 Wilshire Boulevard, Suite 6000  
19 Los Angeles, California 90017-3543  
20 Telephone: (213) 892-5200  
21 Facsimile: (213) 892-5454

22 RICHARD S.J. HUNG (CA SBN  
23 197425)

24 rhung@mofo.com

25 MORRISON & FOERSTER LLP  
26 425 Market Street

27 San Francisco, California 94105-2482

28 Telephone: (415) 268-7000

Facsimile: (415) 268-7522

Attorneys for Counter-Defendants  
MAXLINEAR, INC. and  
MAXLINEAR  
COMMUNICATIONS LLC

sf-5713169